

17778. Misbranding of Rx 5000 for women. U. S. v. 42 Dozen Bottles of Rx 5000 for Women. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25173. I. S. No. 7620. S. No. 3427.)

Examination of samples of a drug product labeled as Rx 5000 for women from the herein-described interstate shipment having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about September 30, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 42 dozen bottles of the said Rx 5000 for women at Chicago, Ill., alleging that the article had been shipped by the Robert P. Gust Co. (Inc.), from Los Angeles, Calif., in part on May 28, 1930, and in part on July 11, 1930, and had been transported from the State of California into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including a laxative drug, a trace of alkaloids, resins, aloin, alcohol, and water flavored with aromatics.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the bottle label and in the accompanying circular, were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers, and create in the minds of such purchasers the impression and belief that it was composed of or contained ingredients or medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned therein: (Bottle) "Dosage * * * every hour until relief is obtained;" (circular) "For Menstrual Disorders * * * Amenorrhea. If the discharge is not present at the expected period, or insufficient, due to some unknown cause or psychic disturbance * * * To obtain best results 'Prescription 5000' should be taken * * * Menostasis. * * * Menorrhagia. In cases of excessive hemorrhage as caused by insufficient constriction of the uterus. * * * Dysmenorrhea. If organic cause is not present, 'Prescription 5000' acts as antispasmodic and uterine sedative * * * Menopause. In psychic disorders attending cessation of the menstrual flow."

On October 27, 1930, the Robert P. Gust Co. (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be relabeled at Los Angeles, Calif., under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17779. Adulteration and misbranding of Eucaline tonic compound (tasteless) and misbranding of Eucaline tonic compound (regular). U. S. v. 70 Bottles of Eucaline Tonic Compound (Tasteless), et al. Verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 24908. I. S. Nos. 035435, 035436. S. No. 3234.)

Examination of samples of the above-described drug products showed that the labels bore claims of curative effects in certain diseases for which cinchona derivatives are customarily prescribed, and that the products contained insufficient cinchona alkaloids, or their salts, to cure such ailments when administered according to the accompanying directions; also that the labels bore claims of curative effects in certain other ailments which were not justified by the composition of the articles. The said Eucaline tonic compound (tasteless) contained more acetanilide than declared and was labeled, "Free from Dangerous Medicine," whereas acetanilide is a heart depressant and, therefore, harmful if administered freely.

On July 15, 1930, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 bottles of Eucaline tonic compound (tasteless) and 27 bottles of Eucaline tonic compound (regular), remaining in the original

unbroken packages at Shreveport, La., alleging that the article had been shipped by the Eucaline Medicine Co., Dallas, Tex., in various consignments, on or about September 27, 1929, April 25, 1930, and March 29, 1930, respectively, and had been transported from the State of Texas into the State of Louisiana, and charging adulteration and misbranding with respect to the former and misbranding with respect to the latter, in violation of the food and drugs act as amended. On September 23, 1930, a supplemental and amended libel was filed.

Analyses of samples of the articles by this department showed that the Eucaline tonic compound (regular) consisted essentially of cinchona alkaloid hydrochlorides, principally quinidine hydrochloride, (5.2 grains per fluid ounce), iron chloride, an extract of a laxative plant drug, sugar, alcohol, and water; and the Eucaline tonic compound (tasteless) consisted essentially of a suspension of cinchona alkaloids, principally cinchonine and quinidine (4.8 grains per fluid ounce), acetanilide (3.66 grains per fluid ounce), an extract of a laxative plant drug, alcohol (0.4 per cent), sugar, and water.

It was alleged in the libel as amended that the said Eucaline tonic compound (tasteless) was adulterated in that it was sold under the following standard of strength, "Acetanilid 3 grains to each fluid ounce," whereas the strength of the said article fell below such professed standard.

Misbranding of the said Eucaline tonic compound, tasteless, was alleged for the reason that the following statements appearing on the bottle and carton labels, were false and misleading, (bottle and carton) "Acetanilid 3 grains to each fluid ounce," (carton only) "Free from Dangerous Medicine," and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of acetanilide contained in the article. Misbranding was alleged with respect to both products for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the articles, were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Circular accompanying both products) "For malaria, chills and fever. For * * * what is termed Lagrippe in our Southern country. [Testimonials] * * * recommend Eucaline highly for malaria and chronic chills and fever. I * * * have never been sick or had a chill after starting in on Eucaline. I don't believe it can be beat for a * * * liver tonic. * * * one of the best chill medicines we have ever used. * * * nothing like it for chills and fever. * * * she had three chills and five fevers every two weeks, * * * Eucaline, * * * she didn't take one bottle before she was all right. * * * the very best remedy for chills and fever. * * * one of the best chill and fever cures we have ever used. * * * the best chill medicine we have ever tried. * * * We have been giving your Eucaline to our little girl for chills and like it fine. * * * Think it a fine medicine for chills and fever. * * * have found it to be all O. K. for checking and curing chills and fever, also lagrippe. * * * It is the best * * * for chills and fever. * * * I have used Eucaline for chills and fever, with success * * * I think it is the best medicine we can get for chills and keep them off. * * * Eucaline * * * is the best chill medicine that I have ever used. * * * We have used Eucaline for chills and fever and find it a sure remedy. * * * Eucaline * * * it is as good a chill tonic as can be bought. * * * It sure is a fine chill tonic. * * * Eucaline is the leading chill and fever remedy. * * * Eucaline * * * I broke the fever with it several years ago, * * * I find that it is a great remedy for * * * lagrippe and chills. * * * Eucaline * * * a great remedy for chills and fever; * * * Eucaline is the greatest chill and fever remedy * * * I have used your Tonic for chills and fever, and * * * it is unexcelled, and will do all that you claim;" (testimonials in circular accompanying Eucaline tonic compound, tasteless, only) "I have been using your Tasteless Eucaline * * * and find it to be a great remedy for chills and fever, * * * We have used Eucaline, Tasteless, for several years and think it is a great remedy for chills;" (carton, Eucaline tonic compound, tasteless) "An Improved Remedy for Chills, Fevers and general Malarial Sickness. * * * Is a most excellent remedy in cases of LaGrippe * * * Acts mildly on the Liver and * * * can be relied upon as a fine general Restorative Tonic and safe family remedy. * * * It is a * * * Remedy for Malaria, Chills, Fever and LaGrippe * * * Directions. * * * Adult, one tablespoonful. Child, 6 to 7 years old, two teaspoonfuls. Child, 1 to 2 years old, one teaspoonful. Take every 3 hours

to stop Chills, Fevers or LaGrippe. After this is done, take the full dose 3 times a day for 2 or 3 days to strengthen the system. Then it would be better to take the medicine in half size doses as a general tonic, for 10 or 12 days longer [similar statements in foreign languages];" (bottle, Eucaline tonic compound, tasteless) "Directions: * * * Adults, one tablespoonful; child 6 to 7 years old, two teaspoonfuls; child 1 to 2 years old, teaspoonful. Take every 3 hours to stop Chills, Fevers or LaGrippe. * * * To keep off first chill, start taking about twelve hours before chill time, taking every two or three hours according to the severity of the case. Continue this until the chills are stopped, then follow the directions above;" (bottle labels, Eucaline tonic compound, regular) "Directions * * * Regular dose for adults 2 teaspoonfuls; child 7 to 8 years old, 1 teaspoonful; child 1 to 3 years old one-half teaspoonful. Take in a little water three times a day, before or after meals. To stop Chills and Fever Double the regular dose and take every 4 hours. After Chills have stopped return to the regular dose and take for the blood and as a restorative tonic three times a day. For LaGrippe and * * * take in double doses every 4 hours until bowels are acted on well;" (carton, Eucaline tonic compound, regular) "An Excellent Remedy for Malaria, Chills and Fever, Dumb Chills, Enlarged Spleen, * * * etc. And as an Antimalarial * * * Tonic for general debility, caused by Malaria weakening the blood and system, * * * Is a combination of Liver, Blood and Anti-Malarial Properties. It readily relieves Fever and Chills after other remedies have failed. * * * Great for Chills and Fevers. A fine Blood and Liver Tonic. Directions * * * Dose—For Adults, 2 teaspoonfuls. * * * To stop Chills and Fevers double above dose and take every 4 hours in a little water. After Chills have stopped return to regular dose and take as a restorative tonic * * * For LaGrippe * * * [similar statements in foreign languages]."

On October 14, 1930, no appearance having been entered and a jury having found the allegations in the libel to be true and correct, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17780. Misbranding of Mygrone. U. S. v. 10 Dozen Packages of Mygrone. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25156. I. S. No. 7622. S. No. 3406.)

Examination of samples of a drug product known as Mygrone from the herein-described interstate shipment having shown that the labels bore claims of curative and therapeutic properties which the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On September 20, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 dozen packages of Mygrone at Chicago, Ill., alleging that the article had been shipped by John Wyeth & Bro. (Inc.), from Philadelphia, Pa., July 24, 1930, and had been transported from the State of Pennsylvania into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained amidopyrin and fillers.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the bottle label and wrapper and in the accompanying circular, were false and fraudulent, since the said statements were applied to the article so as to represent falsely and fraudulently to purchasers, and create in the minds of such purchasers the belief that the article was composed of or contained ingredients or medicinal agents or combinations effective as a remedy for the diseases, ailments, and afflictions mentioned therein: (Bottle label and wrapper) "For * * * Acute Fever, Asthma and Acute Rheumatism, Dose * * * in Influenza, Asthma, etc.;" (circular) "Recommended highly in Migraine, Influenza, Asthma, Acute Fevers, Tabetic Pains, in the Headaches during attacks of Hay Fever, Toothache, etc. * * * It has been especially praised in Migraine, Neuralgia * * * Acute Form of Rheumatism, Asthma. According to Roth it is useful in Acute Rheumatism * * * for acute rheumatism * * * Albrecht has found it of value in Asthma. * * *